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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,923	06/29/2006	Bernardus H.W. Hendriks	GB040226	2372

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
GUADALUPE, YARITZA	

ART UNIT	PAPER NUMBER
2841	

MAIL DATE	DELIVERY MODE
03/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/596,923	HENDRIKS ET AL.	
	Examiner	Art Unit	
	Yaritza Guadalupe-McCall	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 June 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Atarashi et al. (US 6,891,679).

With respect to claim 1, the method of detecting an orientation of a device (1) with respect to a direction of an acceleration force, comprising providing a device (1) having an optical device (2) comprising a first liquid (LQ1) and a second liquid (LQ2), said liquids being immiscible, having different refractive indices and different densities (See Column 9, lines 7 – 20) and being in contact with each other via an interface (See LQ1 and LQ2 in Figure 10); and a sensor (S, being a CCD sensor as stated in column 8, lines 12 – 13) comprising a grid of pixels (integral to said CCD image pickup element); sensing an image captured by the optical device (2) on a subset of the grid of pixels (22); and calculating the orientation of the

device (1) from the position of the subset on the grid will be achieved by the regular operation of the device disclosed by Atarashi et al.

In regards to claim 2, the method wherein the acceleration force is gravity is disclosed by the device shown by Atarashi et al.

Regarding claim 3, Atarashi et al. discloses a device (1) comprising an optical device (2) comprising a first liquid (LQ1) and a second liquid (LQ2), said liquids being immiscible, having different refractive indices and different densities (See Column 9, lines 7 – 20) and being in contact with each other via an interface (See LQ1 and LQ2 in Figure 9); a sensor (S, being a CCD sensor as indicated in Column 8 lines 12 – 13) comprising a grid of pixels (integral to said CCD image pickup element), the sensor (S) being arranged to sense an image captured by the optical device (1) on a subset of the grid of pixels; and calculating means (CTR) for calculating an orientation of the device (1) with respect to a direction of an acceleration force from the position of the subset on the grid.

With regards to claim 4, Atarashi et al. discloses a device (1) wherein the first liquid (LQ1) is an electrically susceptible liquid (salt solution, column 9, line 9).

In regards to claim 5, Atarashi et al. sets forth a device (1) wherein the optical device (2) further comprises an electrode structure (P1, P2) in conductive contact with the first liquid (LQ1), and wherein the device (1) further comprises driver circuitry (Figure 10) coupled to the electrode structure (PL1, PL2).

Regarding claim 6, Atarashi et al. teaches a device (1) wherein the second liquid (LQ2) comprises a mixture of oils (See Column 9, line 12).

With respect to claim 7, Atarashi et al. shows a device wherein the calculating means (CTR) comprise a memory element (M) for storing calibration data, the calculating means being arranged to calculate the orientation using the calibration data.

In regards to claim 8, Atarashi et al. further discloses a device further comprising a light source (F) in front of the optical device (2, See figure 9).

Regarding claim 9, Atarashi et al. sets forth a device (1) wherein the light source (F) is removable (as it would need to allow for replacements when needed).

With regards to claim 10, Atarashi et al. teaches a device wherein the acceleration force is gravity.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe-McCall whose telephone number is (571)272-2244. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YGM
March 23, 2009

/Yaritza Guadalupe-McCall/
Primary Examiner, Art Unit 2841